

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action of March 24, 2005 in which the Examiner rejected all claims 1-33 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,299,526 ("**Cowan**") in view of <http://web.archive.org/web/20030410200336/http://www.sandman.com/telco.html> ("**Sandman**").

By the present Amendment, Applicants have cancelled claims 1 - 3, 6, 13, 24 - 26, 28, and 33, have amended claims 4, 20, 21, 27, and 29, and have added new claims 34 - 37. Thus, claims 4, 5, 7 - 12, 14 - 23, 27, 29 - 32, and 34 - 37 are pending. Applicants believe the claims are now clearly distinguishable from the cited references. For example, independent claim 4 now recites a system for controlling the temperature in a network interface device that, among other things, includes a temperature controlling device, a storage device, and a "programmed server" that selectively passes power from a communications channel to the storage device "when the electrical power at the storage device falls below a predetermined level" and selectively passes power from the storage device to the temperature controlling device "in response to a predetermined temperature within the network interface device." Similar limitation are recited in independent system claim 21 and independent method claim 27.

Such limitations are neither shown nor suggested in **Cowan** or **Sandman**, either alone or as combined by the Examiner.

Cowan for the most part discloses the prior art approach described by Applicants at paragraph 0006 of the Application, where a cooling device may be powered by the subscriber's household power. Thus, **Cowan** merely discloses a system having the problem that Applicants' invention overcomes, namely the problem (and expense) of providing household power for powering a cooling device in NID. **Cowan** does not disclose a solution to the problem, and specifically does not show or suggest Applicants' invention of a NID temperature controlling system that includes a storage device (for powering a temperature controlling device) and a programmed server that both selectively passes power from a telecommunications line to the

storage device and selectively passes electrical power from the storage device to the temperature controlling device.

Sandman discloses using the small amount of current on a telephone line to charge a battery for powering a handheld personal fan (mounted on a spray bottle), that a person may use for cooling himself/herself when there is a power outage. There is no disclosure or suggestion that the personal fan in **Sandman** could be used for cooling a NID. There is further no disclosure or suggestion that the personal fan in **Sandman** have a programmed server for both passing power to a storage device when the power in the storage device falls below a predetermined level and passing power from the storage device to a cooling (temperature controlling) device in response to a predetermined temperature within a NID (or any other type of telecommunications device).

There is nothing in either **Cowan** or **Sandman** that would suggest the two references be combined to provide Applicants' invention. The problem that Applicants overcome is not providing a reliable energy source (as stated by the Examiner in the Remarks, page 3), but rather avoiding the cost of using an independent primary power source for cooling the NID (either through use of household power or using a separate power source from the telecommunications network -- see paragraph 0006 of the Application). If one were to try to find a motivation for using **Sandman** with **Cowan** (if there were a motivation, which Applicants do not believe exists), the motivation would be to provide the **Sandman** device when there is a power outage (at a power company). However, Applicants' invention does not merely provide power when there is a power outage, but rather uses the programmed server at all times to selectively pass power to the storage device when it needs to be recharged and to selectively pass power from the storage device to the temperature controlling device in response to a temperature level within the NID.

If anything, the combination of **Cowan** and **Sandman** appears to teach away from Applicants' invention. Such a combination, if it could be made (which Applicants believe cannot be made for the reasons stated above), would provide household power as the primary power source to cool a NID (per **Cowan**) and having a back-up telephone line for powering the cooling device when there is a power outage (note there would be no need for the personal fan of

Sandman unless there were a power outage). Applicants' invention has nothing to do with a power outage from a power company, but rather uses a programmed server to pass power from the telecommunications line when the stored electrical power falls below a sufficient level to operate the cooling device, and passes power from the storage device when the temperature is at a certain level within the NID. The existence of a power outage is irrelevant to whether power is provided by the telecommunications line to the storage device and from the storage device to the cooling device.

Further, even if **Cowan** and **Sandman** were combined, the resulting combination would not have the claimed features of Applicants' "programmed server".

Applicants' remaining dependent claims recite further limitations that are neither shown or suggested by either **Cowan** or **Sandman**. As one example only, dependent claim 7 recites an auxiliary power source. The Examiner appears to argue that the battery in **Sandman** is an auxiliary power source. However, the battery in **Sandman** is obviously the primary power source for its fan, and clearly **Sandman** does not teach both a storage device (parent claim 4) and an auxiliary power source (dependent claim 7). Independent claim 37 also recites the auxiliary power source for powering the temperature controlling device "independently of the stored electrical power from the telecommunications line."

New independent claim 34 recites a system where the programmed server not only selectively passes power from the telecommunications line to the storage device and from the storage device to the temperature controlling device, but also senses the electrical current level on the telecommunications line and provides an alarm signal if the current level on the telecommunications line is insufficient to "power the active service device, the subscriber equipment and the temperature controlling device." Such features are clearly not shown or suggested by the references.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/611,324
Amdt. dated June 6, 2005
Reply to Office Action of March 24, 2005

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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